

**Special City Commission Meeting**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
September 30, 2014**

Mayor Philip Levine
Vice-Mayor Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Deede Weithorn - Absent
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Code should be directed to the Office of the City Attorney.

Meeting called to order at 5:04:29 p.m.

Pledge of Allegiance given by Fire Chief Virgil Fernandez.

ADDENDUM MATERIAL 1:

C4B

SUPPLEMENTAL MATERIAL 1:

R7A2 Revised Resolution

5:05:22 p.m.

Rafael E. Granado, City Clerk, announced added items to the Agenda, C4B and R9C.

NEW EMERGENCY ITEM:

R7C

ADDENDUM AGENDA

Motion by Vice-Mayor Grieco; seconded by Commissioner Malakoff to add Items C4B and R9C to the Commission Agenda. Voice vote: 6-0; Absent: Commissioner Weithorn.

Motion by Vice-Mayor Grieco; seconded by Commissioner Malakoff to adopt the Consent Agenda, with the exception of item C4B. Voice vote: 6-0; Absent: Commissioner Weithorn.

CONSENT AGENDA**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Additional Modifications To The Land Development Regulations Regarding Unit Size And Lot Coverage Calculations For Accessory Structures Permitted In Single Family Home Districts, As Part Of The Comprehensive Single Family Revisions Pending Before The Planning Board.
(Requested by Commissioner Joy Malakoff)

ACTION: Item referred. **Thomas Mooney to place on the Committee agenda and to handle.**

5:53:56 p.m.

ADDENDUM MATERIAL 1:

- C4B Referral To The November 5, 2014 Land Use And Development Committee To Discuss Increasing The Maximum Building Height In The RM-2 District.
(Requested by Commissioner Jonah Wolfson)

ACTION: Item referred. Item separated by Commissioner Malakoff. Motion made by Vice-Mayor Grieco to refer the item; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Thomas Mooney to place on the Committee agenda and to handle.**

Commissioner Wolfson is not in agreement with this item.

Commissioner Malakoff stated that with the new flooding criteria, where commercial buildings will soon be required to build at flood base elevation, any multi-family residential building would have to build taller.

REGULAR AGENDA**R5 - Ordinances****5:26:17 p.m.****R5A** Unclassified Salary Ordinance

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group VII, Comprised Of At-Will Employees Commonly Referred To As "Unclassified Employees"; Deleting The Obsolete Management And Budget Analyst I; Revising The Pay Range For The Director Of The Office Of Communications, Building Records Supervisor And Management And Budget Analyst; Establishing The Following Newly Created Classifications: Emergency Management Director; Deputy Director Parks And Recreation; Management And Budget Manager; Marketing, Tourism And Development Manager; CMBPD Chief Of Staff; Information Technology Division Director; Grants Specialist; CMB Media Ambassador; Chief Roofing Inspector And Procurement Contracting Officer; Requiring That The City Commission Be Informed Whenever An Unclassified Employee Is Hired At An Annual Salary Of \$150,000 Or More; And Providing For Repealer, Severability, And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on September 17, 2014 - R5C)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3896 adopted.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Sylvia Crespo-Tabak to handle.**

No discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 936

5:28:34 p.m.

R5B An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 6, Entitled "Living Wage Requirements For Service Contracts And City Employees," By Amending Section 2-408, Entitled "Living Wage," By Increasing The Living Wage Rate By 3% For Fiscal Year 2014-2015 And Deleting Phase In Language That Is Outdated Due To The Passage Of Time; Providing For Repealer, Severability, Codification, And An Effective Date.

5:06 p.m. Second Reading Public Hearing

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Procurement)

(First Reading on September 10, 2014 - R5K)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3897 adopted.** Motion made by Commissioner Tobin to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Alex Denis to handle.**

Recommendation:

- City Commission and Patricia Walker, Chief Financial Officer, to discuss this Ordinance, see how it compares statewide and nationally, and discuss the right thing to do from the policy

- perspective. **Patricia Walker to handle.**
- Bring back to the November 19, 2014 Commission Meeting as discussion item. **Alex Denis to handle**

Commissioner Tobin asked if they needed to know the fiscal impact along with this. He knows that if they raise this 3% it covers all the contracts the City enters into with all companies. He added that the Charter requires a fiscal impact for certain items.

Jimmy L. Morales, City Manager, stated that the memorandum indicates that the impact for this Fiscal Year is \$260,000.

Commissioner Tobin added that every single contract that the City enters into with outside vendors is influenced by this 3%, and he wonders how the Administration arrived at \$260,000. He cited that when the City hires the security contract, it cost an additional \$70,000 because of the living wage, and whenever they enter into any contract with vendors, they are required to pay living wage.

Jimmy L. Morales, City Manager, explained that the living wage does not apply to every outside vendor the City uses, it applies to certain service, such as security guards; and it is limited in its impact from that perspective.

Discussion continued.

Commissioner Wolfson stated that the historical reference for this is that the Code requires the City every year to index, and increase for CPI. The former Administration did not do it for seven or eight years, and then it was done all at once in order to comply with the City Code. This was a tremendous hardship. The goal at that point is from that year forward to do this type of increase. The policy question is do we want these outsource contracts to be what they are, which in his opinion are a way for the City saving money outside of using the normal pension system to pay staff and provide benefits and decent salaries? It makes no sense to outsource and increase by 3% every year. He is against it and thinks there needs to be serious policy discussions on the subject and perhaps change the Ordinance.

Raul J. Aguila, City Attorney, stated that the Ordinance requires considering an index every year, and the City Commission has the option of not doing that, and that is a policy consideration.

Commissioner Wolfson asked if they could reject the 3% increase.

City Attorney Aguila explained that in prior years the indexing was not brought up to the City Commission at all. There is an indexing provision that the Code mandates the City Commission to index it every year. The Commission has to consider an index, but they can reject the 3%. The law merely says that the Commission has to consider it, but the Commission can set forth its reasons for not indexing for a particular year.

Commissioner Malakoff clarified that what is required is paying the living wage, not indexing.

Discussion held.

City Attorney Aguila stated that the City Commission sets what the living wage is, and then every year the City Commission decides whether they want to index in accordance with the Cost of Living with the CPI. He added that in the past, they had a complaint from contractors and employees, and the previous City Commission considered an indexing phased in over three years, and after that, the Commission directed the Administration to bring the indexing to Commission every year during budget year.

Commissioner Wolfson asked what the minimum hourly rate is.

Alex Denis, Procurement Director, stated that the rate is \$13.31 for living wage without health benefits and \$11.62 if the employee is paying health benefits.

Commissioner Wolfson asked if \$13.31 is the lowest hourly rate they want to pay.

Commissioner Malakoff stated that her understanding is that the City is required to pay the living wage, \$13.31 without benefits, and \$11.62 with health benefits if the employer is paying that. She believes that it is up to this Commission each year during budget meetings to decide if they are going to do indexing for the cost of living or not.

Raul J. Aguila, City Attorney, stated that if the Commission wants to revisit that particular Code section and amend the Ordinance, they could do so.

Commissioner Malakoff again stated that they do not have to amend it, since the way it is written they look at the indexing each year and make a decision whether they want to index or not. It is up to the City Commission to consider or not.

Discussion continued.

Raul J. Aguila, City Attorney, explained that this living wage applies to service contractors, parking attendants, landscapers, janitorial, clerical, and those types of contracts.

Commissioner Wolfson explained that if the City did not have a living wage Ordinance it would be tremendous, he thinks it is a discussion worth having so everyone has an understanding of the issue.

Discussion continued.

Commissioner Tobin is prepared to vote for this item this year, but added that Commissioner Wolfson brought up a good point. It is great that the new City Commission will at least be aware of this policy decision.

Commissioner Wolfson wants to pass the item today, but he would like to have a serious discussion regarding the policy behind the living wage.

Mayor Levine asked whether he wanted to talk about this at a later Commission Meeting or at the Finance Committee.

Commissioner Wolfson suggested adopting the item today, and having a serious discussion about the policy behind the living wage Ordinance and what it means. He requested a 15-minute conversation with the City Commissioners and Patricia Walker, Chief Financial Officer, to discuss this Ordinance, see how it compares with the State and nationally and discuss the right thing to do from the policy perspective. **Patricia Walker to handle.**

Motion made by Vice-Mayor Grieco to adopt the item; seconded by Commissioner Wolfson, and bring back for discussion in November 19, 2014. **Patricia Walker to handle.**

Commissioner Wolfson explained that at times they lose certain contractors who push hard for increases and they lose the contracts because the living wage has gone up and there is another company out there that can do it for less, so it does not work in the benefit of people who need jobs at the end of the day.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 936

5:41:39 p.m.

R5C An Ordinance Amending Chapter 110 Of The Miami Beach City Code Entitled "Utilities," Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure;" Amending Division 2, Entitled "Rates, Fees And Charges," By Amending Section 110-166, Entitled "Schedule Of Water Rates And Tapping Charges," And Section 110-168, Entitled "Sanitary Sewer Service Charge," To Adjust Water And Sanitary Sewer Rates By The Same Percentage Enacted By Miami-Dade Water And Sewer Department (WASD); And Also Amending Appendix A To Chapter 110, Entitled "Fee Schedule" To Increase The Water Rates And Sanitary Sewer Service Charges Imposed By The City Pursuant To Sections 110-166 And 110-168; Providing For Codification, Repealer, Severability, And An Effective Date. **5:07 p.m. Second Reading Public Hearing**
(Sponsored by Commissioner Deede Weithorn)
(Legislative Tracking: Public Works)
(First Reading on September 10, 2014 - R5L)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3898 adopted.** Motion made by Vice-Mayor Grieco to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

Commissioner Steinberg explained that this is a pass through fee, and she thinks the right thing to do is to pass it. She suggested drafting a resolution for the City, asking Miami-Dade County to find efficiencies in their water and sewer systems to reduce rates going forward, so that we can actually pass those savings to our residents, and she requested that this resolution be drafted by the October 22, 2014 Commission Meeting. **Eric Carpenter to handle.**

Commissioner Tobin suggested that information be included in the water bills regarding the pass through rates that were initiated by the County. **Eric Carpenter to handle.**

Commissioner Steinberg explained that this discussion was held at the Finance and Citywide Projects Committee, and the City Manager agreed to make sure that there is proper communication.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 936

5:47:47 p.m.

R5D Transfer Of Variance And Flood Plain Waiver Authority To The Design Review Board And Historic Preservation Board

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 118, "Administrative And Review Procedures," Article VIII, "Procedure For Variances And Administrative Appeals," Section 118-351, "Determination Of Jurisdiction," Section 118-352, "Procedure;" Article II, "Boards," Division 3, "Design Review Board," Section 118-71, "Powers And Duties;" Division 4, "Historic Preservation Board," Section 102, "Powers And Duties;" Division 5, "Board Of Adjustment," Section 118-136, "Powers And Duties;" To Amend The Jurisdiction Of The Boards Of Adjustment, Design Review, And Historic Preservation By Authorizing The Design Review And Historic Preservation Boards To Grant Variances Presented In Applications Within Their Respective Jurisdictions, Amending The Authority Of The Board Of Adjustment To Reflect That Changed Authorization, And To Transfer The Authority Of The Board Of Adjustment Acting As The Flood Plain Management Board To The Design Review And Historic Preservation Boards, To Authorize Such Boards To Grant Variances From The Flood Plain Ordinance For Applications Within Their Respective Jurisdictions; Providing For Repealer; Codification; Severability And An Effective Date (**Reconsideration of Effective Date to December 1, 2014**). **5:10 p.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Planning)

(Continued from September 17, 2014 - R9C)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Item opened and continued to December 17, 2014.** Motion made by Commissioner Malakoff to open and continue the Ordinance; seconded by Vice-Mayor Grieco; Ballot vote: 6-0; Absent: Commissioner Weithorn. Lilia Cardillo to place on the December 17, 2014 Commission Agenda. **Thomas Mooney to handle.**

Thomas Mooney, Planning Director, explained that this Ordinance was adopted at second reading on September 10, 2014 Commission Meeting, and staff realized after adoption that there was a potential conflict with the effective date, so on September 17, 2014, the Commission reconsidered the item, and set a new second reading adoption date for today. Because of a separate referral by the City Commission on September 17, 2014 to do a clean-up language, they are recommending the adoption of this be continued to December 17, 2014, so that it can be adopted at the same meeting date as the clean-up Ordinance.

Commissioner Malakoff made a motion to open and continue the item with the second reading of the subject Ordinance to the December 17, 2014 Commission.

Commissioner Tobin asked Mr. Mooney that some election cycles ago the voters approved a change in the Charter, which states that the City Commission can never diminish the power of the Historic Preservation Board (HPB) once given. He requested an explanation, for instance, why the HPB has the power to sit as the City's Flood Plain Management Board for applications coming within their jurisdiction. He wants to make sure that he understands what it is specifically they are giving away forever, because the Charter will forever give these powers to the Board. **Thomas Mooney to handle.**

Discussion held regarding Charter amendment in recent elections.

Raul J. Aguila, City Attorney, explained that there was a Charter amendment inspired by Commissioner Malakoff, which specifically gave the powers from the Board of Adjustment to the HPB and the Design Review Board. This was approved by the voters in August to comply with the less stringent requirements.

Discussion continued.

Commissioner Malakoff explained that in the past when the HPB goes over the complete vetting of a project before them, they go forward and give instructions in order to retain the historic characteristics of the property, but they require variances; so they go to the Board of Adjustment for variances, and the BOA 99% of the time grant the variances; otherwise, the building cannot be considered historical. The BOA reopens as the Flood Management Board and goes through the same process.

Raul J. Aguila, City Attorney, stated that the process was that after the Charter amendment was passed, that it would be memorialized in the Code to the amendment to the Ordinance.

City Clerk's Note/Procedural History: Ordinance 2014-3892 was originally adopted at the September 10, 2014 Commission Meeting. On September 17, 2014 a motion to reconsider the effective date of the Ordinance was passed, requiring a new second reading on September 30, 2014. On September 30, 2014 the item was opened and continued to December 17, 2014 Commission Meeting.

Handouts or Reference Materials:

1. Ad in The Miami Herald No. 939

5:56:03 p.m.

R5E An Ordinance Amending Chapter 74 Of The Code Of The City Of Miami Beach, Florida, Entitled "Peddlers And Solicitors," By Amending Article I, Entitled "In General," By Amending Section 74-1, Entitled "Soliciting Business In Public From Pedestrians," To Prohibit Commercial Solicitation In Certain Areas; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading.** Item referred for discussion to the October 31, 2014 Neighborhood/Community Affairs Committee meeting. Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff to approve the Ordinance. Ballot vote: 6-0; Absent: Commissioner Weithorn. Second reading, public hearing scheduled for November 19, 2014. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. Vania Pedraja to place on the Committee agenda. Joe Jimenez, Hernan Cardeno and City Attorney's Office to handle.**

REFERRAL:

October 31, 2014 Neighborhood/Community Affairs Committee to discuss penalties and enforcement.

Joe Jimenez, Assistant City Manager, explained that the Ordinances to be heard have to do with prohibiting the distribution of handbills and of commercial solicitation in specific areas. The Historic Entertainment District is the economic engine of the City. They have received a number of complaints about handbills, which create a bad experience for visitors and end up becoming litter. The City has always taken a proactive approach in keeping the streets clean by doing cleanliness assessment, and they want to continue keeping the streets clean. These areas identified in the map, for the record, are: bounded on the north by, but not including 17th Street, on the east, but not including Washington Avenue, on the south, by Lincoln Lane, and bounded by the west by Alton Road, all of Ocean Drive from 5th to 15th Street; Collins Avenue from 5th to 15th Street, Washington Avenue from 5th to Lincoln Road; all cross streets and by streets bounded on the north by 15th on the east by Ocean, on the south by 5th and on the west by Washington

Avenue; Espanola Way from Pennsylvania to Collins, and Lummus Park. The Administration feels that in those targeted areas there should be a prohibition of the distribution of commercial handbills and of hawking of the commercial solicitation in general by restaurants and by other businesses in the area that are targeting customers and guests. They want the economic engine to flourish and they want to keep the City clean. They feel this is a very important step in preserving the quality of life of this important area, and they recommend the Commission approves this on first reading, refer the item for discussion on the October 31, 2014 Neighborhood/Community Affairs Committee (NCAC), and schedule a second reading, public hearing for November 19, 2014.

Commissioner Malakoff stated that she is very much in support of the Ordinance, but asked what the penalties are. Are there liens against property owners, are there fines for littering?

Mr. Jimenez stated that the City Attorney's Office has worked tirelessly on this issue; they have taken a lead in putting this together and examining these complex legal issues. He thanked Debora Turner, Robert Rosenwald, Jr., Camilo Mejia and Raul J. Aguila as their leader for their help.

Robert Rosenwald, Senior Assistant City Attorney, in answering Commissioner Malakoff's question, stated that the penalty is a Code violation. It was previously a criminal violation that the police enforced under the existing Ordinance. For policy reason, this was changed to Code to get more enforceability to the Ordinances.

Discussion held.

Mr. Jimenez added that between first and second reading they could discuss at NCAC stiff penalties.

Raul J. Aguila, City Attorney, added that if the penalty is treated as a Code violation, ultimately for the habitual offender it could result in the revocation of their Business Tax Receipt.

Commissioner Tobin asked if the Police Officers could give these violations.

Robert Rosenwald, Senior Assistant City Attorney, explained that this is not how the Ordinance is currently written.

Commissioner Tobin added that in practical terms, there are few Code enforcement officers, and the violations take place in front of police officers, and perhaps there are things that can be discussed to make it work and effective.

Joe Jimenez, Assistant City Manager, suggested discussing this at Committee. **Joe Jimenez to handle.**

Discussion continued.

Motion made by Vice-Mayor Grieco to adopt the Ordinance on first reading with recommendations; seconded by Commissioner Malakoff.

6:03:26 p.m.

R5F An Ordinance Amending Chapter 46 Of The Code Of The City Of Miami Beach, Florida, Entitled "Environment," By Amending Article III, Entitled "Litter," By Amending Division 1, Entitled "Generally," By Amending Section 46-92(a), Entitled "Definitions," By Adding A Definition For The Term "Right-Of-Way," By Amending Section 46-92(g), Entitled "Prohibition On Commercial Handbill Distribution," By Amending The Regulations And Prohibitions For The Distribution Of Commercial Handbills; Providing For Repealer, Severability, Codification, And An Effective Date.

First Reading

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)

ACTION: Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading.** Item referred for discussion at the October 31, 2014 Neighborhood/Community Affairs Committee meeting. Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff to approve the Ordinance. Ballot vote: 6-0; Absent: Commissioner Weithorn. Second reading public hearing scheduled for November 19, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Vania Pedraja to place on the Committee agenda. Hernan Cardeno and City Attorney's Office to handle.**

REFERRAL:

October 31, 2014 Neighborhood/Community Affairs Committee.

No discussion held.

R7 - Resolutions**5:06:46 p.m.**

R7A1 Adopt Final Ad Valorem Millage for General Operating Purposes And Debt Service Millage A Resolution Adopting: 1) The Final Ad Valorem Millage Of 5.7942 Mills For General Operating Purposes, Which Is Thirteen And Four-Tenths Percent (13.4%) More Than The "Rolled-Back" Rate Of 5.1076 Mills; And 2) The Debt Service Millage Rate Of 0.2295 Mills. **5:01 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)
(First Reading on September 10, 2014 - R7A1)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28759 adopted.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff. Roll Call Vote: 5-0; Absent: Commissioners Tobin and Weithorn. **John Woodruff to handle.**

City Clerk's Note: The final adopted millage rate provides funding in the proposed budget to offset partially the following:

3% Cost of Living Adjustment (COLA)
2% Merit increase for employees to their maximum of pay ranges
9% increase in Health Insurance and 7% increase in Dental Insurance
3.9% increase in internal service charges
\$2.1 million in program and service level enhancements

No further discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 935

5:08:28 p.m.

SUPPLEMENTAL MATERIAL 1: Revised Resolution

R7A2 Adopt Final Budgets For General, G.O., RDA, Enterprise, Internal Service, And Special Revenue Funds

A Resolution Adopting Final Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, Internal Service Funds and Special Revenue Funds For Fiscal Year 2014/15.

5:01 p.m. Second Reading Public Hearing

(Budget & Performance Improvement)

(First Reading on September 10, 2014 - R7A2)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28760 adopted.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Roll Call Vote: 5-0. Absent: Commissioners Tobin and Weithorn. **John Woodruff to handle.**

No discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 935
2. Ad in The Miami Herald – Notice of Proposed Tax Increase
3. Ad in The Miami Herald – Budget Summary

5:09:24 p.m.

R7B1 Adopt Final Ad Valorem Millage for Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Rate Of 1.1305 Mills For Fiscal Year (FY) 2014/15 For The Normandy Shores Local Government District, Which Is One Percent (1.0%) Less Than The “Rolled-Back” Rate Of 1.1391 Mills. **5:02 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)

(First Reading on September 10, 2014 - R7B1)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28761 adopted.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Roll Call Vote: 5-0. Absent: Commissioners Tobin and Weithorn. **John Woodruff to handle.**

No discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 935
2. Ad in The Miami Herald – Notice of Proposed Tax Increase
3. Ad in The Miami Herald – Budget Summary

5:10:16 p.m.

R7B2 Adopt Final Operating Budget For Normandy Shores Local Government

A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2014/15. **5:02 p.m. Second Reading Public Hearing**

(Budget & Performance Improvement)

(First Reading on September 10, 2014 - R7B2)

ACTION: Title of the Resolution read into the record. Public Hearing held. **Resolution No. 2014-28762 adopted.** Motion made by Vice-Mayor Grieco; seconded by Commissioner Malakoff; Roll Call Vote: 5-0. Absent: Commissioners Tobin and Weithorn. **John Woodruff to handle.**

No discussion held.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 935
2. Ad in The Miami Herald – Notice of Proposed Tax Increase
3. Ad in The Miami Herald – Budget Summary

5:21:29 p.m.

R7C Adopt Final FY 2014/15-2018/19 Capital Improvement Plan & Capital Budget

A Resolution Adopting The Final Capital Improvement Plan For Fiscal Years (FY) 2014/15-2018/19 And Adopting The City Of Miami Beach Final Capital Budget For FY 2014/15. **5:03 p.m.**

Second Reading Public Hearing/Joint City Commission & Redevelopment Agency

(Budget & Performance Improvement)

(First Reading on September 10, 2014 - R7C)

ACTION: Title of the Resolution read into the record. Item heard in conjunction with RDA Item 1B, R7E and R7H. Public Hearing held. **Resolution No. 2014-28763 adopted as amended.** Motion made by Vice-Mayor Grieco to approve the resolutions in conjunction with R7E and R7H; seconded by Commissioner Malakoff; Roll Call Vote: 6-0. Absent: Commissioner Weithorn. **John Woodruff to handle.**

Amendment:

R7C approved as amended to include the provision in R7E and R7H

John Woodruff, Budget Director, explained that this item adopts the capital budget, and suggested approving this item with R7E and R7H.

Handouts and Reference Materials:

1. Ad in The Miami Herald No. 935
2. Ad in The Miami Herald – Notice of Proposed Tax Increase
3. Ad in The Miami Herald – Budget Summary

5:44:07 p.m.

R7D A Resolution Appropriating \$651,000 From FY 2014/15 General Fund Account No. 011.0930; Said Appropriation To Be Provided To And Utilized By The Friends Of The Bass Museum, Inc. For The Purpose Of Continuing To Fund And Provide Certain Operating Expenses; And Authorizing The City Manager To Execute A Letter Agreement With The Friends Of The Bass Museum, Inc., Memorializing The Parties' Respective Obligations With Regard To Certain Management And Operation Responsibilities Of The Bass Museum, Through September 30, 2015.

(Tourism, Cultural & Economic Development)

ACTION: Resolution No. 2014-28764 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Commissioner Weithorn. Patricia Walker to appropriate the funds. **Max Sklar to handle.**

Max Sklar, Tourism, Cultural & Economic Development Director, stated that the Bass Museum is a City-owned museum, and the City funds the line share of their operations. In 2009, they started transitioning much of the day-to-day management and oversight responsibilities to the Friends of the Bass Museum, and during that time, the City began funding annually through this annual agreement for them to assume those responsibilities. Additionally, over time, of the eight employees, six employees have transitioned through attrition over to the Friends of the Bass Museum as non-for-profit, and two left are City employees. This is part of that ongoing effort. The \$651,000 is for the Friends of the Bass Museum for the management of the museum.

Commissioner Wolfson stated that the funding used to be 100% under the City umbrella and at this point they have the Friends of the Bass Museum and they handle their daily affairs.

Max Sklar, Tourism, Cultural & Economic Development Director, stated the funds are capped at this amount, and the Friends of the Bass Museum handle anything above that. The City has responsibilities for maintenance of the museum. The budget includes this \$651,000 plus two Police Officers, as well as the maintenance of the facility.

Mayor Levine asked if Mr. Sklar is comfortable with the way the Friends of the Bass Museum manage the facility.

Max Sklar, Tourism, Cultural & Economic Development Director, stated that the Friends of the Bass Museum has done a great job since **Silvia** Karman Cubiñá has become the director, and with the new Board of Directors they have done a fantastic job with great programs.

Commissioner Malakoff added that the museum has had wonderful reviews. Motion made by Commissioner Malakoff; seconded by Commissioner; seconded by Commissioner Wolfson; Voice vote 6-0: Absent: commissioner Weithorn.

No further discussion was held.

5:10:59 p.m.

R7E A Resolution Pertaining To The City Construction Project Referred To As The “Sunset Harbour Pump Station’s Retrofit And Drainage Improvements Project” (Project) And, With Respect To The Project, Accepting The Findings And Recommendation Of The City Manager In Declaring An Emergency Pursuant To Subsection 287.055(9)(c)(6), Florida Statutes; And, As Permitted Pursuant To Section 2-367(e) Of The City Code, Waiving, By 5/7th Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The City Manager To Take The Following Actions To Procure The Necessary Emergency Design And Construction Services For The Project, Pursuant To A Negotiated Design-Build Contract: 1) Prepare, Whether Through The City’s Public Works Department Or Through Retention Of An Outside Design Criteria Professional, As Determined By The City Manager, A Design Criteria Package (DCP) Which Complies With The Specifications Set Forth Under Section 287.055(2)(j), Florida Statutes; 2) Upon Completion Of The DCP, Authorizing The City Manager To Negotiate And, If Successful, Execute A Design-Build Contract, With A Guaranteed Maximum Price (GMP) For The Remaining Water, Stormwater, Landscape And Streetscape Improvements For The Project, With The Firm Of Lanzo Construction, Co. (Lanzo), Who, As The City’s Contractor Currently Working On The Project Under The Construction Contract Authorized Pursuant To Invitation To Bid No. 060-2013TC (ITB); And 3) Further Authorizing The City Manager To Terminate, For Convenience, The Remaining Portion Of The Current Construction Contract With And Requiring That, As A Condition Of The Negotiated Design-Build Contract, A Release Of All Claims Against The City Under The Former Contract; Where The Combined Sum Of The Negotiated Design-Build GMP And The Amount Negotiated As Part Of The Settlement Of The Existing Contract Shall Not Exceed \$6,836,940.74 Which Includes The \$2,586,940.74 Construction Award Value Of The Current Lanzo Construction Contract And The Proposed Design/Build Amount Of \$4,250,000.

(Public Works)

(Continued from September 17, 2014 - R7F)

ACTION: Resolution No. 2014-28765 adopted. Motion made by Vice-Mayor Grieco; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

See discussion with R7C.

Eric Carpenter, Public Works Director, explained the direction given at the last Commission Meeting to negotiate a better price with Lanzo and they were able to negotiate the price and asked for direction.

Mayor Levine stated that the Administration needs to look into the Procurement process so the City can get the best contractors.

Commissioner Steinberg stated that she appreciates going back to the table and trying to do as the Commission directed Mr. Carpenter to do. She explained that none of the Commissioners want to delay the project, but what they want is better quality of life for the residents. She will support it today, but she still does not like the feeling of being taken advantage. Moving forward, she requested to look at all the contracts that are pending with Lanzo. We owe it to our residents to get the best deal for the best work. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, stated that what is not on the agenda is the Venetian Island because it is much larger now, and they have not made the progress that merits coming back to City Commission. They may have something on the October 22, 2014 meeting. They are working to obtain the best price they can.

Vice-Mayor Grieco moved the item.

Mayor Levine reiterated that the City needs more top contractors and the best prices.

6:14:40 p.m.

City Manager Morales thanked John Woodruff and staff for doing a great job during this budget time.

6:15:25 p.m.

R7F A Resolution Accepting The Recommendation Of The City Manager To Reject The Single Proposal Received, Pursuant To Request For Proposals (RFP) No. 2014-290-YG For The Design, Manufacture And Installation Of A Removable/Retractable Canopy At The North Beach Band Shell And Authorize The Issuance Of A New RFP.

(Tourism, Cultural & Economic Development/Procurement)

ACTION: Resolution No. 2014-28766 adopted. Motion made by Commissioner Malakoff to accept the recommendation of the City Manager and reject the proposal and authorize the issuance of a new RFP; seconded by Vice-Mayor Grieco; Voice-vote; 6-0; Absent: Commissioner Weithorn. **Max Sklar and Alex Denis to handle.**

Max Sklar, Tourism, Cultural & Economic Development Director, explained that the North Beach Blue Ribbon Ad-Hoc Committee recommended going out for bidding to secure and install a tent to cover the band shell, because of the heat, and protect it from inclement weather. There was only one proposal received, which drastically exceeded anything that they thought could be within reason and budget. The bid came in excess of \$500,000. They would like to reject the proposal, have the ability to go back out and re-issue the bid, but before they re-issue the bid, they are requesting conducting an industry review meeting and discuss it in a public setting with potential bidders, to understand why the bid came up so high, and why they did not get enough bids, in order to the appropriate adjustment and go out for bids,

Discussion held.

Motion made by Commissioner Malakoff not to accept the bid proposal and to authorize the issuance of a new RFP; seconded by Vice-Mayor Grieco; Voice-vote; 6-0; Absent: Commissioner Weithorn.

6:17:28 p.m.

R7G A Resolution Authorizing The Administration To Develop A New Program For Expedited Lien Searches With A Turn-Around Time Of One Business Day; Charging Customers \$250.00 For An Expedited Certified Lien Search And \$300.00 For An Expedited Certified Lien Search Including The Common Area.

(Finance)

ACTION: Resolution No. 2014-28767 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin Voice vote: 6-0; Absent: Commissioner Weithorn. **Patricia Walker to handle.**

Patricia Walker, Chief Financial Officer, explained the lien search process. She added that they met with their 25 largest customers, which are title companies that do real estate closings for attorneys. It was suggested that the City implement an expedited program at a higher fee that

provides a 24-hour turnaround time. Coral Gables and Boca Raton implemented this method, and have practically doubled their fees.

Moved by Commissioner Malakoff; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Weithorn.

5:14:55 p.m.

R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Change Order No. 2 To The Agreement With Bergeron Land Development, Inc., Dated April 30, 2014 (The Agreement), Related To The Completion Of Roadway Improvements Along 6th Street And West Avenue Between 5th And 6th Streets And A New Seawall At 14th Street, Further Increasing The Cost Of The Agreement To \$3,006,544.

(Public Works)

ACTION: Resolution No. 2014-28768 adopted. Motion made by Commissioner Wolfson; seconded by Vice-Mayor Grieco; Voice vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

See discussion with item R7C.

Eric Carpenter, Public Works Director, stated that they are dealing with the installation of three large pump stations: on 6th, 10th and 14th Streets. The one going in on 6th Street is a little bit different from the ones on 10th and 14th because they do not have a street end where they can install the pump station. They are having to install it in the middle of 6th Street and they feel that it is better to tie in all of the drainage in that area and do the reconstruction of the roadway on that portion of 6th Street, between Alton and West, and that portion of West Avenue between 5th and 6th Streets at the same time to get the corner done as part of pump station construction. This is change order No. 2 in the amount of \$3 million to the Bergeron to do that portion of 6th Street, portion of 5th Street and the replacement of the seawall construction on 14th Street, which while drilling the outfall in the past week, was found to have a crack.

Commissioner Wolfson explained what a change order is for the public's benefit.

Discussion continued.

Commissioner Wolfson stated that Bergeron Land Development, Inc. is a reputable contractor, and the City has had a good experience working with them.

Mayor Levine wants this project done.

Vice-Mayor Grieco is supportive of the item.

Commissioner Tobin stated that in the future staff needs to do a better job of foreseeing what they need to do, and know that there will be problems when dealing with a 60-year old water line. He thinks Mancini is doing a good job and Bergeron does a good job in supervising them. **Eric Carpenter to handle.**

Discussion continued.

Mayor Levine stated that Eric Carpenter and David Martinez need to make sure, when they look at plans that they foresee things like this. Mayor Levine also added that they would not be rushing and pushing this forward if previous Administration had taken the time to do this; this was complete negligence on their part, and inherited by the present Commission.

Commissioner Wolfson stated that the experience with many of these contractors is mostly positive, especially Bergeron Land Development, Inc. He has seen negative experiences with other contracts and this is nothing compare to those. He thinks the City doing all right, and overall doing pretty well.

R9 - New Business and Commission Requests

6:04:55 p.m.

R9A Discussion Regarding Planning Department Evaluation Of The Fee In Lieu Of Parking Program ("PIF").

(Planning)

(Continued from September 17, 2014 - R9F)

ACTION: Discussion held. Item referred to the Finance And Citywide Projects Committee by acclamation. Patricia Walker to place on the Committee agenda. **Thomas Mooney to handle.**

Jimmy L. Morales, City Manager, stated that before Carmen Sanchez and Joe Jimenez talk about direction on the issues of collecting the funds that were not collected in the past, he would like to point out on a broader perspective one of the policies/administrative guidelines being implemented is follow-up audits to ensure corrective actions outlined in the audits. Currently there is no formal process for follow-up audits, and they believe that they need a formal follow through. An additional audit position has been added with the new budget, a new follow up process with a new staff hired, to do this task and make sure corrective actions are being taken. He explained that with the new process within six to twelve months from an audit being completed, there would be a follow up audit to make sure that corrective action has been taken, in addition to additional audits which is the reason for the additional position. On the question of transparency, they would like to have quarterly Audit Committee meetings to review the annual audit plan, to review recently completed audits, and the result of follow up audits. The City Commission is welcome to attend the Audit Committee meetings. A report to the City Commission will follow on a quarterly basis, and will be available at the City's website. This is an opportunity to improve the process and to let the Commission know that they are trying to correct the problems. **City Manager's Office and James Sutter to handle.**

Carmen Sanchez, Assistant Planning Director, stated that they are seeking direction. They reviewed the Fee In Lieu of Parking Program from the conception to date, and want to know what to do as far as categories, what to do with the yearly fees, those accounts that are on a yearly basis, and those that have an open balance from 2001 to the present.

Discussion continued.

Mayor Levine stated this is a very serious and long conversation, and suggested that the report be discussed at the Finance and Citywide Projects Committee

Discussion continued.

Carmen Sanchez, Assistant Planning Director, stated that they are seeking direction, and it does not mean that it must be done today.

Commissioner Wolfson asked on how many items they need direction.

Carmen Sanchez, Assistant Planning Director, stated that they need direction on four categories.

Commissioner Wolfson stated that this will be a long discussion and it will be better to discuss it at the Committee meeting.

Discussion continued.

Commissioner Tobin stated that there are several methods for collection and one of them is filing a suit and he does not know if the statute of limitation could be running on some of these, and asked the Office of the City Attorney to prepare a list on the ones they suggest which collection method we can move on. **Office of the City Attorney to handle.**

Discussion continued.

Carmen Sanchez, Assistant Planning Director, stated that they have requested those fees outstanding that are based on agreements. She added that they have collected \$560,000.

Discussion continued.

6:11:37 p.m.

R9B Authorization Of Scope Of Services For Zyscovich, Inc. For Washington Avenue Vision And Master Plan Analysis - Phase II.

(City Manager's Office)

ACTION: Discussion held. Authorization given. Motion by Commissioner Malakoff; seconded by Vice-Mayor Grieco; Voice vote: 6-0; Absent: Commissioner Weithorn.

Thomas Mooney, Planning Director, introduced the item and stated they are seeking authorization on the proposal of the scope of services.

Motion made by Commissioner Malakoff to approve the item; seconded by Vice-Mayor Grieco; Voice vote: 6-0.

New Item

6:12:41 p.m.

R9C Referral To The Land Use And Development Committee And The Planning Board – An Ordinance Amendment Establishing Stand Alone Bars, Dance Halls And Entertainment Establishments Located In A CD-2 District In North Beach As A Conditional Use.

(City Manager's Office)

ACTION: This item was added to the Commission Agenda as an emergency item. Item referred to the Land Use and Development Committee (LUDC) and the Planning Board. Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote; 6-0; Absent: Commissioner Weithorn. **Thomas Mooney to place on the committee and board agendas and to handle.**

REFERRAL:

Land Use and Development Committee (LUDC) and the Planning Board.

Jimmy L. Morales, City Manager, explained that a few weeks ago, a certain nightclub establishment was closed down in the Normandy Shores area due to illegal activity. The Administration is concerned that not only will this establishment try to reopen, but that perhaps other businesses will try to open up as well. He is recommending a referral to begin the process and perhaps get zoning in progress, since the Normandy Shores area is basically a residential area surrounded on three sides by residents. As drafted, this Ordinance would create a conditional use to prevent entertainment uses.

Motion made by Commissioner Malakoff; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Weithorn.

End of Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 30, 2014

Chairperson of the Board Philip Levine
Member of the Board Michael Grieco
Member of the Board Joy Malakoff
Member of the Board Micky Steinberg
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn - Absent
Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales
Assistant Director Joe Jimenez
General Counsel Raul J. Aguila
Secretary Rafael E. Granado

AGENDA

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present except Member Weithorn who is absent.

5:22:55 p.m.

1. NEW BUSINESS

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Operating Budget For The City Center Redevelopment Area, The Anchor Shops And Parking Garage, And The Pennsylvania Avenue Shops And Parking Garage For Fiscal Year 2014/15.
(Tourism, Cultural & Economic Development)

ACTION: RDA Resolution No. 604-2014 adopted. Title of the RDA Resolution read into the record. Motion made by Board Member Malakoff; seconded by Board Member Grieco; Voice vote: 6-0; Absent: Commissioner Weithorn. Patricia Walker to appropriate the funds.
Max Sklar and John Woodruff to handle.

Max Sklar, Tourism and Cultural & Economic Development Director stated that this is the operating budget for the City Center Redevelopment Agency; it includes operating budgets for the Anchor Garage, both the parking garage and retail, as well as Pennsylvania Avenue Garage and retail. This includes roughly \$10 million in project related expenses, which include about \$4.5 million in community policing for the City Center Redevelopment area, as well as maintenance of capital projects within the area. The operating budget also includes about \$14.5 million in services for the anticipated City Center bond issuance for the Convention Center, which will include the remaining projects in the City Center Redevelopment Agency of the Bass Museum interior space expansion, the Convention Center/Connectors as well as the Lincoln Road renovation project.

No discussion was held.

5:25:22 p.m.

B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year (FY) 2014/15 And Adopting The Capital Improvement Plan For Fiscal Years 2014/15 Through 2018/19. **Joint City Commission & Redevelopment Agency**

(Tourism, Cultural & Economic Development)

ACTION: Item heard in conjunction with Item R7C. Public Hearing held. **RDA Resolution No. 605-2014 adopted.** Motion made by Board Member Grieco; seconded by Board Member Malakoff; Voice vote: 6-0; Absent: Commissioner Weithorn. Patricia Walker to appropriate the funds. **Max Sklar and John Woodruff to handle.**

Max Sklar, Tourism and Cultural & Economic Development Director, explained that this item is just more detail. He explained that they just gave them a summary of the Capital Budget as part of the total operating budget within the Redevelopment Agency.

End of RDA